



Home Office

Damian Green MP
MINISTER FOR IMMIGRATION

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Mr Jim Killock
Executive Director
Open Rights Group
LG.GO.5 Langdale House
11 Marshalsea Road
London
SE1 1EN

12 MAR 2012

Reference: M2683/12

Dear Mr Killock,

Thank you for your letter of 27 February to the Home Secretary about the case of Richard O'Dwyer. I am replying as the Minister responsible for extradition matters.

Mr O'Dwyer's case has been heard before a District Judge at Westminster Magistrates' Court, who considered whether there were any bars to his extradition under UK law. On 13 January, the District Judge ruled that extradition was not prohibited and, accordingly, the case was sent to the Secretary of State for a decision to be made on surrender.

Mr O'Dwyer now has the opportunity to make representations (on certain limited grounds) about why he should not be extradited.

In a case where the Home Secretary decides to order extradition, the person concerned has the right of appeal against the decisions of both the District Judge and the Home Secretary.

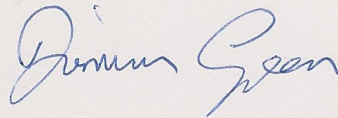
You have raised concern over the relevant jurisdiction in relation to Mr O'Dwyer's alleged offence. Any alleged offence for which a request for extradition is made would have to come within the requesting State's jurisdiction, as well as being an extradition offence as defined by the Extradition Act 2003, for the request to be

valid under UK law. The UK courts have held that US authorities have jurisdiction in relation to the offences of which Mr O'Dwyer is accused and are entitled to seek his extradition.

In general terms, the question of whether or not any individual should be tried in the UK is a matter for the Director of Public Prosecutions.

Mr Jim Killock
Executive Director
Open Rights Group
LG/GG 5 Langdale House
11 Marstalsea Road
London
SE1 1EN

Yours sincerely,



Damian Green MP

Reference: N2013/17

Thank you for your letter of 27 February to the Home Secretary about the case of Mr O'Dwyer. As the Minister responsible for extradition matters...

Mr O'Dwyer's case has been heard by a District Judge at Westminster Magistrates' Court, who considered whether there were any bars to his extradition under UK law. On 23 January, the District Judge ruled that extradition was not prohibited and, accordingly, the case was sent to the Secretary of State for a decision to be made as to whether...

Mr O'Dwyer now has the opportunity to make representations to the Secretary of State...

In a case where the Home Secretary decides to order extradition, the person concerned has the right of appeal against the decisions of both the District Judge and the Home Secretary.

You have raised the issue of jurisdiction in relation to Mr O'Dwyer's alleged offence. Any alleged offence for which a request for extradition is made would have to come within the requesting State's jurisdiction, as well as being an extradition offence as defined by the Extradition Act 2003, for the request to be...